

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ZIH Corp.,

Plaintiff,

v.

Paxar Corporation,

Defendant.

C.A. No.: 1:03-cv-12358-DPW

**PLAINTIFF ZIH CORP.'S RESPONSE TO THE COURT'S ORDER OF JANUARY 26, 2004**

The Court's January 26, 2004, Order requires plaintiff ZIH Corp. ("ZIH") to advise the Court whether ZIH will raise U.S. Patent Nos. 5,813,343 and 5,860,753 "in the other litigation (the first Ohio action) so as to cause them to be construed by the Ohio court." Pursuant to that Order, ZIH hereby advises the Court that U.S. Patent Nos. 5,813,343 and 5,860,753 will not be raised by ZIH and its co-defendants in the first pending Ohio action between ZIH and Paxar Americas, Inc. (Civil Action No. 3:03-cv-00142-WHR in the United States District Court for the Southern District of Ohio) so as to cause those patents to be construed by the Ohio court.

Dated: February 2, 2004

Respectfully submitted,

/s/ Brian M. Gaff

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*(Filed electronically – Certificate of Service not required.)*

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